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MAR 23 2005

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March 23, 2005

19...pages including cover sheet.

PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
Office of Petitions	United States Patent Office	703-872-9306

PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
Diane Payne on behalf of William P. Ramey, III	Patent Department	302-934-4305

USSN: 09/813,093

Customer No.: 31846

Attorney Reference No.: 2001.688 US PD

Please accept the documents which follow in the above-identified  
application:

Petition under 37 CFR \$1.181 (4 pages)

Exhibit A (3 pages)

Exhibit B (5 pages)

Exhibit C (2 pages)

Exhibit D (4 pages)

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BY: Date: 3-23-05

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

HAUSER ET AL.

Serial No.: 09/813,093

Group Art Unit: 1653

Filed: March 19, 2001

Examiner: Mayes, L.

For: METHOD FOR PURIFICATION OF MOLECULES USING UNBRANCHED  
TERMINAL ALKYLDIOLS

## Petition under 37 CFR § 1.181

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir,

## I. Introduction

Applicant respectfully petitions the Commissioner to withdraw the Notice of Abandonment. Further Applicant petitions the Commissioner for a patent term extension, in light of the serious delays encountered during prosecution of this case that were not at the fault of the Applicant or its attorneys. Please charge any required fees and credit any credits to deposit account 02-2334.

Attorney Docket: 2001.688 US PD

Cust No. 31846

## **II. Petition**

### **A. Background Facts**

1. On or about November 22, 2004, the USPTO issued a Notice Regarding Drawings. The Notice required a substitute set of formal drawings, noting certain unspecified formalities. See Exhibit A, Notice Regarding Drawings of November 22, 2004.
2. Applicant diligently pursue corrected drawings and on Monday, January 24, 2005 pursuant to 37 CFR §1.10, Filing of Correspondence by Express Mail, promptly filed said Drawings. See Exhibit B, Response to Notice Regarding Drawings. The Express Mailing number is on the filing. See first page of Exhibit B at the footer. The proof of Express mail with the Express mailing number is attached as Exhibit C.
3. On or about March 14, 2005, the USPTO issued a Notice of Abandonment. See Exhibit D, Notice of Abandonment. The Notice stated that Applicant failed to respond within two months of November 22, 2004, the time period specified on the Notice Regarding Drawings.

### **B. Argument and Request**

Applicant, by and through its attorney, William P. Ramey, III, assert that they have properly and timely responded to the Notice Regarding Drawings, the proof of which is attached as Exhibit C. The due date fell on a Saturday and Applicant responded by Express Mail on the Monday following the Saturday and the filing is entitled to the Saturday date. There is no question that Applicant's attorney transmitted the response to the Notice regarding Drawings by Express Mail, Post Office to Addressee, Commissioner for Patents-Drawings, PO Box 1450, Alexandria, VA 22313-1450. The proof is on the Express Mailing Label. Exhibit C.

The law is very clear. Applicant is entitled to the date of deposit when the utilize the Express Mailing procedure of 37 CFR §1.181. In fact MPEP 513 states as such. Accordingly,

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Applicant is entitled to a filing date of January 24, 2005

January 24, 2004 was a Monday. January 22, 2005 therefore, was a Saturday. Accordingly, the due date fell on a Saturday.

According to MPEP 513 (I), Effective Date, Weekends & Holidays, and MPEP 505, "Office Date" Stamp of Receipt, and MPEP 502, Depositing Correspondence, when a due date falls on a Saturday, when the Office is closed, the filing will be considered timely if filed on the next business day. Here, the due date fell on Saturday, January 22, 2005 on the actual filing was made pursuant to 37 CFR §1.10 on January 24, 2005, the next business day after Saturday the 22<sup>nd</sup>. Accordingly, Applicant is entitled to have the document considered timely filed on January 22, 2005.

In light of this evidence, Applicant respectfully requests that the Patent Office withdraw the holding of abandonment, restore the term of the patent for the time lost during this incorrect holding of abandonment, and allow the case to issue.

As a term extension, Applicant request the number of days from January 24, 2005 until this petition is granted, as that is the time the Office was mistaken as to the status of the case.

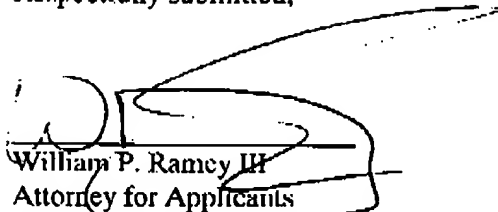
### III. Conclusion

In conclusion, Applicants respectfully petition the Commissioner to withdraw the Notice of Abandonment and allow the case to issue. Further Applicants petition the Commissioner for a term extension, in light of the serious delays encountered during prosecution of this case that were not at the fault of the Applicants or their attorneys, specifically the period of time from January 24, 2005 to the decision on this petition. Please charge any required fee and credit and credits to deposit account 02-2334. Further, Applicant invites the PTO to contact the undersigned attorney

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with any questions.

Respectfully submitted,



William P. Ramey III  
Attorney for Applicants  
Registration No. 44,295

Attorney Docket NO. D-2000.616 US C2

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